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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,974	12/04/2003	Jeremy Nelson	200209358-1	7690

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EXAMINER

GARLAND, STEVEN R

ART UNIT PAPER NUMBER

2125

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/727,974	Applicant(s) NELSON ET AL.	
	Examiner Steven R. Garland	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/23/04, 12/4/03.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-6, 8-20, 22-25 and 27-36 is/are rejected.
 7) ☒ Claim(s) 7, 21, 26 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/23/04, 12/4/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-36 are pending.

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 10-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 10-19 are all directed to nonstatutory subject matter in the form of computer programming. Computer programming by itself is not a statutory method or an apparatus, but instead descriptive material. It is suggested that the claims be drafted in a computer readable medium encoded with a data structure format to overcome this rejection.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1,3-6, 8-10,14-18, 23,25, and 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keener 6,686,914.

Keener teaches generating a CAD model (data file) inherently having design parameters, translating the model (by using computer executable program), use of a neutral format, and populating a second CAD model database. Keener also teaches that the system can be implemented in various computer environments including single or multiple computers (col. 7, lines 16-40). See for example the abstract; figures; col. 1, lines 49-64; col. 4, lines 8-26; col. 4, line 56 to col. 5, line 10; col. 5, line 66 to col. 6, line 9; col. 6, lines 38-57; col. 7, lines 16-40; col. 8, lines 14-24, and the claims. Note col. 4, lines 8-26.

Keener however does not specifically state what kind of systems (electrical, mechanical) the CAD system is applied to. Keener does teach that the system allows for ease in translating a model with its design parameters between CAD systems. Col. 3, lines 5-64.

It would have been obvious to one of ordinary skill in the art to modify the system of Keener and use it to translate a CAD model of an electrical, electronic, or mechanical system in one database into another database for ease in translating data between databases and/or users of the data information.

7. Claims 1-5,8-16,18, 20, 22-24, 27-33,35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weed 2004/0098689.

Weed teaches a computer aided design CAD system for designing electronic chips. Weed teaches the use of databases, populating a database, editing (0025), and use of layers. See the abstract; figures; paragraphs 0013,0025-0027, 0034, 0040-0042, and the claims.

Weed however does not expressly state that a computer executable program is used during populating the database. Weed does teach the use of a slice fitter screen. Paragraphs 0041-0042. Weed also teaches the use of multiple layers and layer types. Note figure 4A.

It would have been obvious to one of ordinary skill in the art to modify Weed to use a computer executable program to generate a screen used to input the design parameters allowing ease in generating different screen layouts and for entering data.

Further it would have been obvious to one of ordinary skill in the art modify Weed to retrieve the parameters from the database so that editing function could be performed at later time as taught by Weed. Note paragraph 0025.

8. Claims 7, 21, and 26 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Garland whose telephone number is 571-272-3741. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 Steven R Garland
Examiner
Art Unit 2125

11/10/05

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100